

SENATE BILL, No. 8.]

[SES. 1860-'61.]

Introuced by Mr. HUMPHREY, of Onslow.

John Spelman, Printer to the State.

A BILL TO PERMIT FREE PERSONS OF COLOR  
TO SELECT THEIR OWN MASTERS AND BECOME  
SLAVES.

SECTION 1. *Be it enacted by the General Assembly of the*  
2 *State of North-Carolina, and it is hereby enacted by the*  
3 *authority of the same,* That it shall be lawful for any free  
4 person of color, now in this State, or who may hereafter  
5 be within its limits, being over the age of fourteen years,  
6 to choose his or her master, and become a slave, upon the  
7 terms and conditions hereinafter named ; *Provided,* said  
8 slave shall not be subject to forced sales for any debt in-  
10 curred by, or judgment rendered against the chosen mas-  
11 ter, prior to the period of enslavement.

SEC. 2. *Be it further enacted,* That whenever any free-  
2 person of color, as aforesaid, desires to choose a master,  
3 such person may file a petition in the court of pleas and  
4 quarter sessions of the county in which he or she resides,  
5 setting forth his or her desire to choose an owner ; which  
6 petition shall be signed by the petitioner, in the presence  
7 of at least two subscribing witnesses ; and thereupon the  
8 clerk of the court in which such petition shall have been  
9 filed, shall give notice thereof by posting such notice at  
10 the court house door for four weeks ; and said clerk shall  
11 issue a summons to the petitioner and the person desig-  
12 nated in the petition as the proposed master, citing them  
13 to appear before said court, at the term thereof next suc-

ceeding the expiration of the publication of said notice, and shall also issue a subpoena for the subscribing witnesses to the petition, which summons and subpoena shall be executed in the same manner as like process in other cases.

SEC. 3. *Be it further enacted,* That upon the appearance in open court, of both the petitioner and the person designated in the petition as the desired master, the court shall proceed to examine each party separately, as well as the subscribing witnesses to the petition, and such other person as the court may seem fit; and at such examination, the county solicitor shall be present, and see that a full examination is had, and he shall represent the petitioners in such examination. And if upon such examination the court shall be satisfied that there is no fraud or collusion between the parties, that the proposed master is a person of good repute, and there is no good reason to the contrary, the said court shall have power, by decree entered into the records of the court, to grant the prayer of the petitioners; and from the entry of such decree, the property in said free person of color, as a slave, shall vest in the person so chosen as master, and his rights and liabilities and the condition of the petitioners shall be in all respects the same as though such petitioner had been born a slave to the master so chosen.

SEC. 4. *Be it further enacted,* That when any such petitioner as hereinbefore mentioned, shall be a female, having children under fourteen years of age, and shall in her petition ask that such children shall become the slaves of the same person chosen by her as master, if the court shall, after examination as in this act before provided, grant the prayer of the petitioner as to herself, it shall also decree such children in like manner, to be the slaves of the same owner; *Provided,* That where the mother of such children, under the age of fourteen years, shall be deceased, in that case the next friend of such children



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12 shall have authority in their behalf, to proceed in the  
13 same manner to the selection of a master for them, as the  
14 mother might do under the provisions of this act.

SEC. 5. *Be it further enacted,* That the county solicitor  
2 shall be entitled to a fee of ten dollars for each examina-  
3 tion attended by him under the provisions of this act,  
4 which shall be taxed as costs on the proceedings, and all  
5 the costs of the proceedings shall be paid by the master  
6 to whom the slave may be decreed ; and after a petition  
7 shall have been filed under the provisions of this act, and  
8 during the pendency of the proceedings under the same,  
9 no proceedings shall be had against the petitioner under  
10 any law prohibiting free persons of color from remaining  
11 in or coming to this State.

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